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11 **UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

12 D.M.P., a minor child by and through his legal  
13 guardian, ANNIE POMPA MOREJON;  
14 C.V.P. a minor child by and through his legal  
guardian, RUBY PEREZ CHINO; C.R.C., a  
15 minor child by and through his legal guardian,  
AMERICA CARDONA; J.P., a minor child by  
and through his legal guardian, JESENIA  
16 PLASCENCIA; D.P. a minor child by and  
through his legal guardian, MARGARET  
17 PETNEAUD,

18 Plaintiffs,

19 vs.

20 BEECH-NUT NUTRITION COMPANY,  
INC.; GERBER PRODUCTS COMPANY;  
21 PLUM PBC, d.b.a. PLUM ORGANICS;  
SPROUT FOODS, INC.; and WALMART,  
22 INC.,

23 Defendants.

CASE NO.: 2:23-cv-00344-CDS-EJY

**STIPULATION AND [PROPOSED]**  
**ORDER TO EXTEND DEADLINE TO**  
**MEET AND CONFER AND FILE A**  
**PROPOSED DISCOVERY PLAN AND**  
**SCHEDULING ORDER**

**(First Request)**

24 IT IS HEREBY STIPULATED AND AGREED by and between plaintiffs D.M.P.,  
25 C.V.P., C.R.C., J.P., and D.P. ("Plaintiffs") and defendants Beech-Nut Nutrition Company,  
26 Gerber Products Company, Plum PBC, Sprout Foods, Inc., and Walmart Inc. ("Defendants")  
27 (collectively, the "Parties"), by and through their respective counsel of record, subject to the  
28 Court's approval, that the deadline for the Parties to commence discussions on the scope of joint

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1 discovery and joint dispositive motion practice as set forth in this Court's October 24, 2023 Order  
 2 on Defendants' Joint Motion to Sever and Plaintiffs' Motion for Leave to Amend Complaint (the  
 3 "October 24, 2023 Order") (ECF No. 71) shall be extended until 7 days after Hain Celestial  
 4 Group, Inc. ("Hain") and Nurture Inc. ("Nurture") file their responsive pleading to the First  
 5 Amended Complaint or otherwise appear. Further, the Parties agree that the deadline to file a  
 6 Discovery Plan and Scheduling Order as set forth in the Court's October 24, 2023 Order, shall be  
 7 extended until 20 days after Hain and Nurture file their responsive pleading or otherwise appear.

8 Good cause exists to grant the stipulation. On October 24, 2023, this Court instructed the  
 9 Parties to submit "a Discovery Plan and Scheduling Order reflecting agreed upon discovery,  
 10 agreed upon individualized discovery, identification of discovery on which they do not agree, and  
 11 a proposed scheduling order." (*Id.* 7:3-6). Thereafter, "the Court will hold a hearing to discuss and  
 12 set a discovery plan and order." (*Id.* 4:5-6.) Plaintiffs filed their First Amended Complaint on  
 13 October 31, 2023. (*See* ECF No. 74.) Newly added Defendants Hain and Nurture have not yet  
 14 been served with the First Amended Complaint and have not yet appeared in this action. Thus, in  
 15 order to allow *all* of the Parties to participate in the meet and confer process and agree upon the  
 16 consolidated discovery, individualized discovery, and identify any discovery on which they do  
 17 not agree, and a proposed scheduling order, the Parties agree and respectfully request that the  
 18 deadlines set forth in the Court's October 24, 2023 order be extended.

19 This is the first stipulation for an extension of time to extend the deadlines set forth in the  
 20 Court's October 24, 2023 Order, and is made in good faith and not for purposes of delay.

21 DATED this 6th day of November 2023.

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23 By: /s/ M. Magali Mercera

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## ORDER

22          Based on the foregoing stipulation, and on the basis of good cause, it is ORDERED that  
23          that the deadline for the Parties to commence discussions on the scope of joint discovery and joint  
24          dispositive motion practice as set forth in this Court's October 24, 2023 Order shall be extended  
25          until 7 days after Hain and Nurture file their responsive pleading to the First Amended Complaint  
26          or otherwise appear.

27          ///

28

1       Further, that the deadline to file a Discovery Plan and Scheduling Order as set forth in the  
2 October 24, 2023 Order, shall be extended until 20 days after Hain and Nurture file their  
3 responsive pleading or otherwise appear.

4       IT IS SO ORDERED.  
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*Elayna L. Zouckar*  
UNITED STATES MAGISTRATE JUDGE  
DATED: November 7, 2023

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